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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917

This Document Relates to:

**DECLARATION OF CHARLES M.
MALAISE IN SUPPORT OF CERTAIN
DIRECT ACTION PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL
DOCUMENTS PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5(d)**

*Electrograph Systems, Inc. et al. v.
Technicolor SA, et al., No. 13-cv-05724-SC;*
*Interbond Corporation of America v.
Technicolor SA, et al., No. 13-cv-05727-SC;*
*Office Depot, Inc. v. Technicolor SA, et al., No.
13-cv-05726-SC*
*P.C. Richard & Son Long Island Corporation,
et al. v. Technicolor SA, et al., No. 13-cv-
05725-SC;*
Schultze Agency Services, LLC v. Technicolor

SA, et al., No. 13-cv-05668-SC

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1 I, Charles M. Malaise, hereby declare as follows:

2 1. I am an associate with the law firm of Baker Botts L.L.P., counsel for Defendants
3 Koninklijke Philips N.V. and Philips Electronics North America Corporation (collectively, the
4 “Philips Defendants”). I am a member of the bar of the District of Columbia and I am admitted to
5 practice before this Court *pro hac vice*.

6 2. I have personal knowledge of the facts set forth herein and, if called upon, could and
7 would competently testify thereto under oath.

8 3. On June 18, 2008, the Court issued a Stipulated Protective Order (Dkt. No. 306) (the
9 “Stipulated Protective Order”). On December 20, 2013, Plaintiffs Electrograph Systems, Inc.,
10 Electrograph Technologies Corp. (“Electrograph”), Interbond Corporation of America
11 (“BrandsMart”), Office Depot, Inc. (“Office Depot”), P.C. Richard & Son Long Island Corporation
12 (“P.C. Richard”), MARTA Cooperative of America, Inc. (“MARTA”), ABC Appliance, Inc. (“ABC
13 Warehouse”), and Schultze Agency Services (“Tweeter”) (collectively, “DAP Plaintiffs”) filed an
14 Administrative Motion to Seal (Dkt. 2279), and lodged conditionally under seal, pursuant to Civil
15 Local Rules 7-11 and 79-5(d), portions of the following documents that contain information from
16 documents that the Philips Defendants have designated “Confidential” or “Highly Confidential:”

17 a. Electrograph’s First Amended Complaint;

18 b. BrandsMart’s First Amended Complaint;

19 c. Office Depot’s First Amended Complaint;

20 d. P.C. Richard’s MARTA’s, and ABC Warehouse’s First Amended Complaint;

21 and

22 e. Tweeter’s First Amended Complaint.

23 4. The Philips Defendants have produced in this action certain documents and
24 information designated as either “Confidential” or “Highly Confidential” pursuant to the Stipulated
25 Protective Order.

26 5. The documents and information quoted from, describe, or otherwise summarized in
27 Paragraph 152 and its subparts, Paragraph 153 and its subparts, and Paragraph 239 and its subparts
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1 of the Electrograph First Amended Complaint relies on documents designated by the Philips
2 Defendants as either “Confidential” or “Highly Confidential” pursuant to the Stipulated Protective
3 Order because the documents contain confidential, nonpublic, and highly sensitive business
4 information about the Philips Defendants’ sales practices, business and supply agreements, and
5 competitive positions. The documents describe relationships with companies (including customers
6 and vendors) that remain important to the Philips Defendants’ competitive positions. Publicly
7 disclosing this sensitive information presents a risk of undermining the Philips Defendants’
8 relationships, would cause harm with respect to the Philips Defendants’ competitors and customers,
9 and would put the Philips Defendants at a competitive disadvantage.

10 6. The documents and information quoted from, describe, or otherwise summarized in
11 Paragraph 137 and its subparts, Paragraph 138 and its subparts, and Paragraph 224 and its subparts
12 of the BrandsMart First Amended Complaint relies on documents designated by the Philips
13 Defendants as either “Confidential” or “Highly Confidential” pursuant to the Stipulated Protective
14 Order because the documents contain confidential, nonpublic, and highly sensitive business
15 information about the Philips Defendants’ sales practices, business and supply agreements, and
16 competitive positions. The documents describe relationships with companies (including customers
17 and vendors) that remain important to the Philips Defendants’ competitive positions. Publicly
18 disclosing this sensitive information presents a risk of undermining the Philips Defendants’
19 relationships, would cause harm with respect to the Philips Defendants’ competitors and customers,
20 and would put the Philips Defendants at a competitive disadvantage.

21 7. The documents and information quoted from, describe, or otherwise summarized in
22 Paragraph 138 and its subparts, Paragraph 140 and its subparts, and Paragraph 227 and its subparts
23 of the Office Depot First Amended Complaint relies on documents designated by the Philips
24 Defendants as either “Confidential” or “Highly Confidential” pursuant to the Stipulated Protective
25 Order because the documents contain confidential, nonpublic, and highly sensitive business
26 information about the Philips Defendants’ sales practices, business and supply agreements, and
27 competitive positions. The documents describe relationships with companies (including customers
28

1 and vendors) that remain important to the Philips Defendants' competitive positions. Publicly
2 disclosing this sensitive information presents a risk of undermining the Philips Defendants'
3 relationships, would cause harm with respect to the Philips Defendants' competitors and customers,
4 and would put the Philips Defendants at a competitive disadvantage.

5 8. The documents and information quoted from, describe, or otherwise summarized in
6 Paragraph 142 and its subparts, Paragraph 144 and its subparts, and Paragraph 230 and its subparts
7 of the P.C. Richard, MARTA, and ABC Warehouse First Amended Complaint relies on documents
8 designated by the Philips Defendants as either "Confidential" or "Highly Confidential" pursuant to
9 the Stipulated Protective Order because the documents contain confidential, nonpublic, and highly
10 sensitive business information about the Philips Defendants' sales practices, business and supply
11 agreements, and competitive positions. The documents describe relationships with companies
12 (including customers and vendors) that remain important to the Philips Defendants' competitive
13 positions. Publicly disclosing this sensitive information presents a risk of undermining the Philips
14 Defendants' relationships, would cause harm with respect to the Philips Defendants' competitors and
15 customers, and would put the Philips Defendants at a competitive disadvantage.

16 9. The documents and information quoted from, describe, or otherwise summarized in
17 Paragraph 141 and its subparts, Paragraph 143 and its subparts, and Paragraph 229 and its subparts
18 of the Tweeter First Amended Complaint relies on documents designated by the Philips Defendants
19 as either "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective Order
20 because the documents contain confidential, nonpublic, and highly sensitive business information
21 about the Philips Defendants' sales practices, business and supply agreements, and competitive
22 positions. The documents describe relationships with companies (including customers and vendors)
23 that remain important to the Philips Defendants' competitive positions. Publicly disclosing this
24 sensitive information presents a risk of undermining the Philips Defendants' relationships, would
25 cause harm with respect to the Philips Defendants' competitors and customers, and would put the
26 Philips Defendants at a competitive disadvantage.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on December 23, 2013 in Washington, D.C.
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7 By: /s/ Charles M. Malaise
Charles M. Malaise

8 *Attorneys for Defendant Koninklijke Philips N.V., and*
9 *Philips Electronics North America Corporation*
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